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E.O. 11652: NA
TAGS: SHUM AR
SUBJECT: HUMAN RIGHTS ROUND-UP NO. 13

FOR COORDINATOR OF HUMAN RIGHTS DERIAN AND ARA/ECA

REF: (A) BUENOS AIRES 1328 (B) BUENOS AIRES 1852

1. PERMANENT ASSEMBLY PETITIONS VIDELA. ARGENTINE PERMANENT ASSEMBLY FOR HUMAN RIGHTS HAS SENT A PETITION TO PRESIDENT VIDELA ASKING HIM TO RELEASE PRISONERS BEING HELD WITHOUT CHARGE AND TO PUBLISH A LIST OF ALL PERSONS DETAINED, ACCORDING TO LA OPINION TODAY (AR 22). ALONG WITH THE PETITION IT SENT A LIST OF 321 PEOPLE WHOSE DISAPPEARANCES HAVE BEEN DOCUMENTED BY THE ORGANIZATION. THE PETITION WAS SIGNED BY MEMBERS OF THE PERMANET ASSEMBLY, INCLUDING THE PRESIDENT MONSIGNOR JAIME DE NEVARES (BISHOP OF NEUQUEN), ALICIA MOREAU DE JUSTO (WIDOW OF EX-SOCIALIST PARTY LEADER JUSTO). METHODIST BISHOP CARLOS GATTINONI, EMILIO MIGNONE, OSCAR ALENDE, RAUL ALFONSIN, ALFREDO BRAVO, GENARO CARRIO AND RICARDO MOLINO; AND BY AN UNKNOWN NUMBER OF OTHER PERSONS, INCLUDING BISHOP PONCE DE LEON OF SAN NICOLAS AND BISHOP JORGE NOVAK OF QUILMES. WHILE REAFFIRMING THE ASSEMBLY'S "UNEQUIVOCAL REPUDIATION OF TERRORISM OF WHATEVER

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KIND," THE PETITION STATES THAT THE GOVERNMENT'S PUBLISHING

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ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

(X) Release () Excise () Deny

Exemption(s): DECONTROL

Declassify: () In Part (X) In Full

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A LIST OF NAMES AND LOCATION OF DETAINEES AND RELEASING THOSE NOT CHARGE WOULD ALLEVIATE THE "PROLONGED ANGUISH OF THOUSANDS OF FAMILIES" AND WOULD HAVE IMPORTANT REPERCUSSIONS IN BOTH NATIONAL AND INTERNATIONAL CIRCLES. :THE ASSEMBLY HAS TWICE BEFORE SENT LETTERS TO PRESIDENT VIDELA ASKING FOR IMPROVEMENTS IN THE HUMAN RIGHTS AREA, FOLLOWING ITS MEETINGS IN AUGUST AND DECEMBER 1976, AND ON BOTH OCCASIONS HAS RECEIVED COURTEOUS BUT NONCOMMITTAL REPLIES FROM THE PRESIDENT. THE PETITION IS PARTICULARLY SIGNIFICANT FOR ITS SPECIFIC REQUESTS OF VIDELA ON BEHALF OF PRISONERS AND FOR THE STATURE OF THE SIGNATORIES, WHOSE NAMES LISTED ABOVE APPEARED IN THE LOCAL PRESS.

2. CHURCH-STATE RELATIONS. THE PERMANENT COUNCIL OF THE ARGENTINE EPISCOPAL CONFERENCE ANNOUNCED AT THE END OF ITS MEETING MARCH 19 THAT IT WOULD SEND TO PRESIDENT VIDELA AND THE MILITARY JUNTA A DOCUMENT REVIEWING THE COUNTRY'S PROBLEMS FROM THE RELIGIOUS PERSPECTIVE. COUNCIL PRESIDENT CARDINAL PRIMATESTA SAID THAT THE CHURCH WAS NOT INSENSITIVE TO INNUMERABLE APPEALS FROM ANGUISHED FAMILIES WHICH IT HAD RECEIVED AND WISHED TO BRING THEM TO THE ATTENTION OF THE GOVERNMENT. PRIMATESTA RECALLED THAT THE COUNCIL HAD MET WITH BOTH PRESIDENT VIDELA AND THE JUNTA ON TWO SEPARATE OCCASIONS IN 1976 AND THAT THE GOVT ANNOUNCED A LARGE NUMBER OF PRISONER RELEASES AT CHRISTMAS TIME. HE SAID THE DOCUMENT WOULD BE COMPLETED SHORTLY AND AND WOULD NOT BE MADE PUBLIC. COMMENT: SOURCE TOLD EMBOFF MAR 21 THAT ARGENTINE CHURCH INTENDED TO PRESENT CONFIDENTIAL DOCUMENT REQUESTING IMPROVEMENTS IN HUMAN RIGHTS SITUATION NOW WITH THE UNDERSTANDING THAT IF NOTHING WAS DONE BY THE TIME OF THE ANNUAL FULL BISHOPS' CONFERENCE IN MAY, THE CHURCH WOULD TAKE A FIRM PUBLIC POSITION ON THE ISSUE, INCLUDING PUBLISHING THE NUMBER AND NAMES OF DETENTION AND DISAPPEARANCE CASES IT HAS RECEIVED. CHURCH SOURCES HAVE RECENTLY PREDICTED TO EMBOFFS THAT THE CHURCH WOULD LAUNCH A MORE CONCERTED EFFORT TO PRESS THE GOVT FOR IMPROVEMENTS IN HUMAN RIGHTS PRACTICES.

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3. CHURCH-STATE RELATIONS. LA OPINION (MAR 8) PUBLISHED A PASTORAL LETTER WRITTEN BY BISHOP DESIDENO EL SO COLLINO OF LOMAS DE ZAMORA, BA PROVINCE, CRITICIZING POLITICAL VIOLENCE AND THE SUSPENSION OF INDIVIDUAL GUARANTEES. REMARKING ON THE GROWING NUMBER OF CASES IN WHICH ARMED MEN ACTING WITH IMPUNITY ASSAULT FAMILIES, STEAL PERSONAL BELONGINGS AND ABDUCT FAMILY

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MEMBERS, BISHOP COLLINO SAID THAT IN THESE CASES THE ENDS DO NOT JUSTIFY THE MEANS. "TO USE THE SAME METHODS THAT WE CONDEMN IN THE ADVERSARY IS TO JUSTIFY THE ACTIONS OF THE ADVERSARY. THE REPRESSION OF SUBVERSION DOES NOT JUSTIFY ATTACKING THOSE WHO CAN OFFER NO RESISTANCE," HE SAID. AUTHORITIES MAY, AND SOMETIMES SHOULD, SUSPEND FOR A PRUDENT PERIOD "CONSTITUTIONAL GUARANTEES," BUT NOT ALL CITIZENS' GUARANTEES, MUCH LESS TO THE HANDS OF UNKNOWN ARMED BANDS, THE BISHOP SAID. HE WARNED THAT IF THE "MARGIN OF ERROR" IN THE ANTI-SUBVERSION FIGHT WERE NOT DIMINISHED, IT COULD "PREPARE THE WAY FOR THE MOST DESPICABLE OF TOTALITARIANISMS: MARXISM." COMMENT: THE BISHOP'S LETTER WAS READ IN ALL PARISHES OF LOMAS DE ZAMORA AND DISTRIBUTED TO ALL ARGENTINE BISHOPS. IT APPEARS TO BE THE MOST DIRECT AND OPEN CONDEMNATION OF THE COUNTER-INSURGENCY EFFORT AND ANOTHER EXAMPLE OF THE CHURCH'S INCREASINGLY OUTSPOKEN CRITICISMS OF THE METHODS PERMITTED BY THE GOVT TO END SUBVERSION. LA OPINION WAS THE ONLY PAPER TO MENTION THE LETTER AND PUBLISH MAJOR EXCERPTS, TO WHICH THE GOVT SO FAR HAS NOT PUBLICLY REACTED.

4. ANTI-SEMITIC PUBLICATIONS BANNED. GOA PROHIBITED THE DISTRIBUTION, SALE AND CIRCULATION OF ALL PUBLICATIONS PRODUCED BY EDITORIAL ODAL IN A DECREE PUBLISHED MARCH 3. THE DECREE CITED ODAL FOR PRODUCING MATERIAL "CONTRARY TO NATIONAL SENSIBILITIES" AND FOR ADDING TO THE CAUSES THAT LED TO THE STATE OF SIEGE. JEWISH GROUPS HAD PROTESTED THE ACTIVITY OF ODAL WHICH TOOK UP PUBLICATION OF ANTI-SEMITIC, PRO-NAZI TRACTS WHEN GOA SHUT DOWN EDITORIAL MILICIA IN SEPTEMBER 1976. THE LATEST DECREE SPECIFICALLY BANS ODAL PUBLICATIONS AND

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WHETHER OR NOT SIMILAR MATERIAL WILL BE PRODUCED UNDER YET ANOTHER DIFFERENT NAME REMAINS TO BE SEEN. JEWISH LEADERS HERE FAVORED THE GOVT'S MOVE BUT OBSERVED THAT THE GOVT'S REAL POSITION ON ANTI-SEMITISM WILL DEPEND ON ITS ACTUAL ENFORCEMENT OF THE BAN AND CONTROL OF OTHER ANTI-SEMITIC WORKS AND ATTACKS.

5. ERP LIST. AMBASSADOR HILL WAS ENT A LETTER DATED MARCH 2 SIGNED BY THE ERP LISTING NAMES OF 43 PRISONERS IN UNIT 9 OF LA PLATA PENITENTIARY WHO HAVE BEEN "SENTENCED OR TRIED AND WILL BE CONDEMNED TO DEATH BY OFFICIALS OF THE ARMED FORCES." ALL BUT TWO OF THE NAMES ARE THOSE MENTIONED BY JACK ANDERSON

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IN HIS COLUMN. (EMBASSY LEARNED AND REPORTED EARLIER THAT ANDERSON'S LIST PROBABLY CAME FROM A SMUGGLED LIST OF PRISONERS IN LA PLATA. REFTEL A) INDEPENDENT SOURCES HAVE CONFIRMED THAT MANY OF THOSE NAMED ARE IN LA PLATA. SINCE REPORTED DEATHS OF RAPPAPORT AND GEORGIADIS IN FEBRUARY, EMBASSY IS NOT AWARE OF ANY FURTHER FATAL INCIDENTS CONCERNING PRISONERS ON ANDERSON'S LIST. A SECOND LETTER SENT TO AMBASSADOR SIGNED BY THE "COMMISSION OF RELATIVES OF POLITICAL PRISONERS" GIVES THE EXACT SAME LIST WITH THE ADDITIONAL COMMENT ALLEGING THAT IN RECENT MONTHS THERE HAVE BEEN 5,000 DEATHS, 30,000 DETENTIONS AND 15,000 DISAPPEARANCES AND THAT PRISONS HAVE BEEN TURNED INTO CONCENTRATION CAMPS. THE LATTER HAS A POSTSCRIPT NOTING RAPPAPORT AND GUTIERREZ (PROBABLY GEORGIADIS) WERE SHOT TO DEATH AND THAT THREE MEMBERS OF THEIR FAMILIES HAD BEEN ABDUCTED.

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TO SECSTATE WASHDC PRIORITY 9724

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FOR COORDINATOR OF HUMAN RIGHTS ERIAN AND ARA/ECA

6. HABEAS CORPUS WRITS. WRITS OF HABEAS CORPUS HAVE REPORTEDLY BEEN FILED ON BEHALF OF 108 DISAPPEARED PERSONS IN A NUMBER OF SEPARATE COURT ACTIONS IN THE FIRST TWO WEEKS OF MARCH, 69 ON MARCH 2-3 ALONE (SEE REFTEL B.). IN ALL CASES, THE WRITS REQUEST INFORMATION ON THE LOCATION OF AND CHARGES AGAINST PERSONS WHO HAVE DISAPPEARED, SOME IN 1977 BUT MOST IN 1976. ONE OF THE WRITS IS FOR ARGENTINE CINEMA PRODUCERS RAYMONDU GLEYZER. THE VOLUME OF REPORTED WRITS IN THE TWO-WEEK PERIOD IS FAR GREATER THAN THE USUAL DOZEN OR SO CASES REPORTEDLY FILED EACH WEEK. CHURCH AND HUMAN RIGHTS SOURCES OFFER NO EXPLANATION FOR THE SUDDEN

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INCREASE IN WRITS ALTHOUGH THEY TOLD EMBOFF THEY ENCOURAGE PERSONS WHO REPORT DISAPPEARANCE CASES TO FILE WRITS FOR THE PUBLIC RECORD.

7. DETAINEE LISTS. INTERIOR MINISTRY LISTS CONTINUE TO BE PUBLISHED WEEKLY. ON MARCH 12, THE MINISTRY ANNOUNCED 33 WERE ARRESTED, 13 REMOVED FROM EXECUTIVE DETENTION UNDER STATE OF SIEGE PROVISIONS (PEN), ONE CHILEAN EXPELLED AND THREE ARGENTINE CITIZENS (INCLUDING ROBERTO BERGALLI) AUTHORIZED TO LEAVE THE COUNTRY. ON MARCH 19, THE MINISTRY ANNOUNCED 58 HAD BEEN DETAINED AND 52 REMOVED FROM DETENTION STATUS UNDER PEN. SOURCES COMMENT THAT ONLY A FRACTION OF THOSE WHO DISAPPEARED OR ARE ARRESTED ARE [REDACTED]
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SUBSEQUENTLY LISTED AS DETAINED UNDER STATE OF SIEGE PROVISIONS. THIS OBSERVATION IS SUPPORTED BY THE NUMBER OF WRITS OF HABEAS CORPUS FILED FOR DISPEARED PERSONS DURING THE SAME PERIOD WHEN NAMES DO NOT APPEAR ON THE INTERIOR MINISTRY LIST OF NEW DETAINEES.

8. SOLARI IRIGOYEN APPEAL. TWELVE PROMINENT RADICAL POLITICIANS, INCLUDING FORMER PRESIDENT ARTURO ILLIAN AND RADICAL PRESIDENT RICARDO BALBIN, RELEASED A DECLARATION ON MARCH 12 CALLING FOR THE RELEASE OF FORMER SENATOR SOLARI IRIGOYEN. THE DECLARATION NOTED THAT HE HAS BEEN JAILED WITHOUT CHARGE FOR SIX MONTHS AND AS SUCH HAS BEEN DEPRIVED OF HIS FUNDAMENTAL HUMAN AND CONSTITUTIONAL RIGHTS. INTERIOR MINISTER HARGUINDEGUY SAID MARCH 22 IN SANTA CRUZ THAT GOA IS CONSIDERING A REUQUEST FOR SOLARI IRIGOYEN TO LEAVE THE COUNTRY.

9. OPTION TO LEAVE COUNTRY. NEWSPAPERS REPORTED MARCH 16 THAT THE SPECIAL COMMISSION CHAIRED BY INTERIOR MINISTER HARDUINDEGUY WILL RECOMMEND THE CONSITUATION OF THE SUSPENSION OF THE CONSTITUTIONAL RIGHT OF OPTION FOR STATE OF SIEGE PRISONERS TO LEAVE THE COUNTRY. THE COMMISSION, CREATED BY PRESIDENTIAL DECREE, HAD UNTIL MARCH 15 TO RECOMMEND WHETHER THE CONSTITUTIONAL RIGHT SHOULD BE REINSTATED ONCE ITS PRESENT 180-DAY SUSPENSION LAPSES IN LATE APRIL. ALTHOUGHT THE COMMISSION LATER (MAR 17) DENIED ITS FINDINGS ARE FINAL, THE PRESS REPORTED THAT ITS CONCLUSIONS WILL BE THAT DESPITE SIGNIFICANT SUCCESS IN THE ANTI-SUBVERSION WAR, THE SECURITY SITUATION STILL DOES NOT PERMIT THE REINSTATEMENT OF THE RIGHT OF OPTION. THE CASE OF MIRTHA ATENCIA, WHO A FEDERAL JUDGE RULED ON FEB 7 HAD TO BE RELEASED OR PERMITTED TO LEAVE ARGENTINA WITHIN 20 DAYS, IS STILL PENDING AND IS EXPECTED TO GO TO THE SUPREME COURT FOR RESOLUTION.

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10. JEHOVAHS WITNESSES. A FEDERAL COURT JUDGE HAS RULED THAT THE INTERIOR MINISTRY DOES NOT HAVE CONSTITUTIONAL AUTHORITY TO BAN THE JEHOVAHS WITNESSES BUT THAT IT CAN PROHIBIT THE SECT'S PUBLICATIONS AND ORDER THE CLOSING DOWN OF ITS MEETING PLACES AND PUBLISHING HOUSES. THE RULING WAS IN RESPONSE TO AN APPEAL FILED [REDACTED]
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BY THE JEHOVAHS WITNESSES FOLLOWING THE INTERIOR MINISTRY'S SEPT. 8 DECREE IMPLEMENTING THE PROHIBITION OF THE SECT. THE WITNESSES HAVE MADE NO PUBLIC STATEMENT ON THE RULING. SEE SEPTTEL.

11. LAWYER ABDUCTED. HUMAN RIGHTS LAWYER TERESA ALICIA ISRAEL WAS TAKEN FROM HER HOME IN BUENOS AIRES ON MARCH 8 BY ARMED MEN CLAIMING TO BE PART OF A "JOINT ARMED FORCES COMMANDO." ISRAEL WORKS FOR THE ARGENTINE HUMAN RIGHTS LEAGUE WHICH HAS SENT APPEALS ON HER BEHALF TO GOA AND INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS. SHE IS REPORTEDLY THE FIRST LAWYER, OUT OF SOME 40 WORKING FOR THE LEAGUE ON BEHALF OF STATE OF SIEGE PRISONERS, TO HAVE DISAPPEARED. THE REPLY TO A WRIT OF HABEAS CORPUS FILED BY HER MOTHER SAID THAT SHE WAS NOT BEING HELD BY EITHER POLICE OR ARMED FORCES.

12. PUBLISHER ARRESTED. TWENTY-SEVEN ITALIAN PUBLISHING HOUSES HAVE WRITTEN PRESIDENT VIDELA ASKING FOR INFORMATION ON THE STATUS OF ARGENTINE PUBLISHERS DANEIL DIVINSKY AND HIS WIFE ANA MARIA SILER, WHO WERE ARRESTED UNDER PEN EMERGENCY PROVISIONS ON FEB 16. MEXICAN NOVELIST JUAN ROLFO AND A GROUP OF MEXICAN MAGAZINE WRITERS HAVE ALSO WRITTEN ARGENTINE AUTHORITIES REQUESTING THE RELEASE OF THE VIDINSKYS.

13. AMNESTY INTERNATIONAL REPORT: GOA HAS REJECTED A REPORT BY AMNESTY INTERNATIONAL CONDEMNING ARGENTINA FOR GROSS VIOLATIONS OF HUMAN RIGHTS IN A FORNMINISTRY STATEMENT ISSUED MAR 23. THE STATEMENT CHARGES THAT ALLEGATIONS MADE IN THE AMNESTY REPORT WERE BASED ON HEARSAY EVIDENCE AND LACKED VERACITY AND OBJECTIVITY. THE REPORT, WHICH WAS SUBMITTED TO THE ARGENTINE GOVT ON FEB 22, ACCUSED ARGENTINA OF HOLDING "ABOUT 5,000 TO 6,000 POLITICAL PRISONERS, MOST OF WHOM HAVE NOT BEEN CHARGED OR TRIED," AND OF CARRYING OUT UNOFFICIAL EXECUTIONS AND WIDESPREAD TORTURE IN UNOFFICIAL DETENTION CENTERS; AND ALLEGES THAT "SINCE THE MARCH COUP BETWEEN 2,000 AND 5,000 PEOPLE HAVE VANISHED WITHOUT A TRACE." THE ARGENTINE STATEMENT SAYS THAT VERY LITTLE OF THE REPORT IS BASED ON MATERIAL GATHERED BY THE AI MISSION TO ARGENTINA IN

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NOVEMBER. AMNESTY INTERNATIONAL HAS NOT PROVIDED WELL-FOUNDED PROOF THAT MIGHT HAVE BEEN EXPECTED, BUT HAS BUILT ITS AFFIRMATIONS ON THE BASIS OF JUDGMENTS BASED ON THE EVIDENCE OF THIRD PARTIES, LINKED IN SOME WAY TO SUBVERSIVE TERRORISTS AND WHICH TEND TO DISTORT THE TRUTH OF EVENTS IN ORDER TO PRESENT THEM IN A WAY CONVENIENT TO ITS SPURIOUS INTERESTS," THE STATEMENT SAYS. IT STRESSES THAT SECURITY FORCES ARE ACTING IN LEGITIMATE DEFENSE OF SOCIETY AND THAT THEY WILL CONTINUE TO "RESPOND IN PROPORTION TO THE ATTACKS OF THE TERRORISTS."
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